

United States District Court  
Eastern District of Virginia  
Alexandria Division

Lauck

Civil Section

Civil action Number

3:19cv019

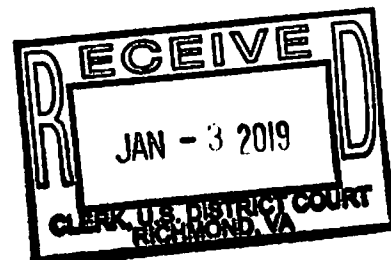
Daniel W. Jamison  
offender # 1190078  
Dillwyn Correctional Center  
Po Box 670  
1522 Prison Rd  
Dillwyn VA 23936

Plaintiff, Pro. SE.

vs.

Stacey A. Kincaid, Sheriff  
Fairfax County Sheriff's Office / Adult Detention Center  
4110 Chainbridge Rd Suite 217  
Fairfax VA 22030

Mark W. Sites, Chief Deputy of operations  
Fairfax County Adult Detention Center  
10520 Judicial Dr.  
Fairfax VA 22030



Lishan Kassa, MD  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Jonita Conner, MD.  
4700 Berwyn House Rd  
College Park MD 20740

JANET Wurie, NP  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Xin Wang, NP  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Ericha Rauf, Director of Nursing  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

S. Carlisle, DDS  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

S. Rany, DDS  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Aramark Director and managers  
Fairfax County Adult Detention center  
10520 Judicial Dr  
Fairfax VA 22030

1st Lt Aughaven  
Fairfax County Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Lt Parsons, # 382  
Fairfax County Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

2nd Lt. Mesier, 252\*  
Fairfax County Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Lt. Perkins  
Fairfax County Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Lt. Evans  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Lt. Rejcili  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Deputy Abel, #054  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Deputy PJ Thompson # 789  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax ~~County~~ VA 22030

Sgt. Putman # 860  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Deputy Plazick  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Deputy Strauser  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Deputy Jones  
Fairfax County Adult Detention Center  
10520 Judicial Dr  
Fairfax VA 22030

Defendants Et. Al.

42 U.S.C. 1983 Civil Rights Class  
Action Complaint for Equitable  
and Compensatory Relief

Comes Now The Plaintiff, Daniel W Jamison,  
Offender Number 1190078, DOB 5/8/78, SSN  
126-72-3966, and Files this Complaint  
individually, Pursuant to 42 U.S.C. § 1983 and  
state laws, Against Sheriff Stacey A. Kincaid,  
Et. Al., with respect to vindicating Plaintiff's  
rights guaranteed by the First and Eighth  
Amendments of the United States Constitution  
and by the Constitution of the Commonwealth  
of Virginia.

1.) Plaintiff Files this Motion Action  
Pursuant to 42 U.S.C. 1983 to Redress  
deprivation of Proper Medical treatment,  
refusal of Proper Diet for Medical Reasons,  
Serious Safety infractions against Plaintiff  
~~and deprivation of the~~ Physical well  
being and deprivation of the Plaintiff's  
Rights to due process.

2.) Jurisdiction is proper under 28 USC §§ 1331, under 42 USC. § 1983 and on the Supplemental jurisdiction of this court to Law Pursuant to 28 USC. § 1367 (A) venue is proper under 28 USC. § 1391 (B) and L.R.2 (b) because, 1) The Events and omissions giving rise to the Plaintiffs claims within this District and Division and (2) Defendants reside and or Transact Business in this District and Division.

3.) The Acts or Actions of all named defendants were committed under Color of State Law and under Color of the offices they hold

4.) The Actions or Actions of all Defendants were committed deliberately and intentionally and Purposely to Deprive Plaintiff of Proper medical treatment, Proper Diet for medical Reasons, Hindering Plaintiffs due Process and subjecting the Plaintiff to harm of his well being and Safety

5.) The Acts or Actions of all defendants were committed with wanton disregard of the

Plaintiffs rights there by subjecting the Plaintiff to cruel and Unusual Punishment.

6.) The Plaintiff ask this Honorable Court to allow him to Proceed IN Forma Pauperis as I am incarcerated at Dillwyn Correctional Center, I have Limited Funds derived From mostly gifts. No job. Attached is 6 months of the plaintiffs trust account Statment and a notarized affidavit of his account balence. Plaintiff Agrees to pay filing fees monthly from his trust account. Plaintiffs wife Elizabeth has Limited Funds to help him and subsequently Filed Bankruptcy due to his incarceration.

7.) Plaintiff requests an order granting him the Right to Amend this complaint as needed and to Correct the Names of Defendants as Full names are Learned.

8.) The Plaintiff asks for a Jury trial.

9.) The Actions or Acts of the Defendants Shows extreme Prejudice and Discrimination to the Plaintiff both Physically and Emotionally.



- 10.) The acts or actions of The Defendants have greatly hindered the Plaintiffs Due Process by not allowing him to properly Grieve his Lack of care and well being.
- 11.) The Plaintiff respectfully asks this Honorable Court to appoint Counsel as He has Limited abilities and understanding of the Law. No Funds as he is incarcerated in State Prison making Depositions and gathering of Facts Impossible, making appointments to have Expert Witnesses testify and gathering relative Proof of Facts stated within this case, Gaining testimony and depositions from other inmates who may be incarcerated or Free.

## Introduction

This Case is straight forward (1) Does the Constitution permit these Defendants to knowingly refuse to treat an offenders Serious Medical needs <sup>and</sup> allergies. such a celiac disease, a known Pre Cancerous digestive disorder That affects the small intestine and the bodies ability to receive vital nutrients From Food until the offenders condition reaches a more Fatal stage of Progression. Here The Defendants

have refused to treat Plaintiffs' Known Celiac disease, food allergies, other chronic care / pain management issues. The Defendants conduct is unconstitutional.

Once the defendants know any offender under their care and custody has been diagnosed with a serious medical need such as celiac disease or other chronic care issues, These Defendants have a Constitutional mandate to treat said offenders for his condition and provide him with a medical diet "Gluten Free" and <sup>Diabetic</sup> Diet for his condition and provide proper medical treatment

to include appropriate doctors and specialists as needed. Defendants' constitutional mandate becomes even stronger because the Plaintiffs' Celiac Disease and other afflictions can be controlled with minimal pain and suffering.

But instead of treating the Plaintiffs' serious medical needs and illness, the Defendants have permitted the offender to suffer without treatment until he reaches the point of sepsis. (2.) Does the Constitution

allow the defendants to put the Plaintiff in serious arms way and subject him to violent encounters by other inmates for labeling him a "snitch" and placing him in hostile situations with the same persons he came forward about. The actions of the defendants placing him in harms were the plaintiff came forward against others for rule infractions puts him in arms way and

inevitably by telling the said inmates that he told on them ultimately lead to him being injured by others in a fight. (3) Does the constitution allow these defendants to retaliate against the plaintiff and hinder his due process and 1<sup>st</sup> amendment rights? the actions and acts by staff will show this has happened many times and also violating the Disabilities act such as placing him sleeping on the floor with a mat even after a Doctor ordered he be placed on a bunk and being placed on the "old side" while another who created the situation remained on the "new side" and further placing him in danger from others, also placing the plaintiff on the "B" floor where you are locked into cells for long periods without a functioning toilet, or water sources.

### Definition

Celiac Disease - is a pre cancerous digestive disorder that causes your bodies natural defense system (immune system) to react against its own cells. It interferes with taking in nutrients from food. People who have celiac disease can not tolerate Gluten. Gluten is a protein found in wheat, rye, barley and other grains and preservatives. With time, Celiac disease will damage the cells

cells lining the Small intestine. This leads to be unable to absorb nutrients from Food (malabsorption) diarrhea, vomiting, nutritional problems and even cancer. Headache are another chronic issue.

Treatment includes a Gluten Free Diet. This means avoiding all foods that contain Gluten. Eating even small amounts of Gluten can damage your intestine. For most people, following this diet will stop symptoms. It will heal existing intestinal damage and prevent further damage. Improvements begin within days of starting the diet. The small intestine is completely healed with in 3 to 6 months or may take up to 2 yrs for older adults.

People with Celiac disease tend to have other Auto immune diseases such as; Dermatitis herpetiformis, Thyroid disease, Type 1 diabetes, Liver disease, Collagen vascular disease, Rheumatoid arthritis and Sjogren Syndrome. Symptoms include; recurring Belly bloating and pain, Gas, Long term Diarrhea, Pale, bad smelling greasy stool, weight loss or fluctuation, weakening bones, Fatigue and weakness, peripheral neuropathy and Depression. (this definition was taken from the paperwork given by the ER the Prison sent me to on the 29 of June. This is also found in my medical record at Dillwyn Correctional Center.).

### Administrative Exhaustion

The Plaintiff, Daniel Jamison has exhausted all administrative remedies including Letters to the Sheriff and subordinates, request Forms Grievances, Appeal Grievances, talking to numerous Deputies and Kitchen staff members. Numerous Doctors visits and sick calls, Even talking to the Chaplin. Administrative Exhaustion paperwork is attached to this Brief.

### Parties

#### Plaintiff

Daniel W. Jamison - Plaintiff was at relevant times to this action an inmate incarcerated By the Fairfax County Sheriffs office at the Fairfax County Adult Detention Center from Oct 2018 to March of 2018. Mr. Jamison currently resides at Dillwyn Correctional center of the Virginia Department of Corrections. The Facts Pertaining to his claims are seen in his complaint, The counts pertaining to this case as well as attached medical Records and other Documentation and Evidence to be submitted.

#### Defendants

Stacey A. Kincaid is the Sheriff of the

Fair Fox County Sheriffs office. She oversees the operations and administration of the Fair Fox County Adult Detention Center. Responsibilities which entail Formulating Policies and Ensuring Provisions of appropriate medical treatment to inmates, VA Code 53-1-10, The state law grants the Sheriff authority over health related issues such as promulgating rules to preserve inmates health and provide medical treatment and services to prisoners with serious medical needs. The Sheriff was sent a letterized letter from the Plaintiff and was also spoken to during one of her walk throughs.

Stacey Kincaid is being sued in her individual and her official capacities. At all times Defendant Kincaid has acted and will act under the color of State Law and is responsible for knowing all applicable Laws regarding the civil rights and medical treatment of inmates under the care and custody of the Sheriff's office and control. Kincaid is ultimately responsible for the staffing and effectiveness or lack of effectiveness of all staff and subcontractors alike.

Mark W. Sites, Chief Deputy of operations of the Fair Fox County Detention Center. He is

under the supervision of the Sheriff. He is responsible for all state and federal laws and the safety and wellbeing of the offender population. Mr. Sites was made aware of Mr Jamison's issues/condition through request forms, and a letter from The Plaintiff Mr Jamison.

Mr. Sites is sued in his individual and official capacity. Mr. Sites is responsible for knowing all relative laws regarding the health and safety of all inmates under his position. He is also responsible for the acts or actions and training of the Deputies under his supervision. Mr Sites ~~and~~ has acted and will continue to act under the color of the law.

Lishan Kassa, MD, is the head Doctor at the Fairfax County Adult Detention Center. She is responsible for the care and treatment of the inmates of the FFCADC. He is responsible for the treatment, procuring records of Known Diseases and treatment, Diagnostics, referrals and Dietary orders as needed. Dr Kassa has been made personally aware of Mr Jamison's condition(s) as she has been his attending physician on numerous occasions and has proscribed most things for Mr. Jamison. She has also failed to properly treat Mr. Jamison's condition to include not gaining records,

prescribing medications that hinder his wellbeing and contrary to his condition (medications that contain gluten), Failure to send to a specialist and failure to give a proper diet to.

Dr. Lishan Kassa is Sued in her individual and official capacity. She is responsible for all laws and treatments of her patients with known serious medical needs to include Celiac Disease. Dr Kassa acts and continues to act under the color of the Law.

Dr Jonita Connor, MD, is a Doctor at the Fairfax County adult detention center and is responsible for the treatment of inmates under her care to include Mr Jamison. She is responsible for treatments, Procuring records of ~~known~~ known Diseases and treatments, Diagnostics ~~at~~ referrals and Dietary orders. She was made personally aware of Mr Jamison's conditions through multiple appointments and her constant refusals of treatment or lack of treatments for his condition.

Dr Connor is being sued in her individual and official capacities. She is responsible for all laws and treatments of her patients with known conditions to include Celiac disease. Jonita Connors acts and will continue to act under the color of the Law,



JANET Wurie, NP is the Nurse Practitioner at the Fairfax County Adult Detention Center and is responsible for inmates under her care. She is responsible for treatments, Diagnostics, referrals, procurement of medical records, and Dietary orders. NP Wurie was made personally aware of the Plaintiff's conditions through numerous appointments. She has refused to properly treat and gather relevant information and records regarding the plaintiff's Celiac disease and refusal of proper dietary orders fitting his condition.

NP Wurie is sued in her personal and official capacities. She is responsible for all Laws and treatments for patients under her care or to make appropriate referrals. Wurie acts and will continue to act under the Color of the Law.

Xin Wang, Nurse Practitioner at the Fairfax County Adult Detention Center and is responsible for the wellbeing of inmates under her care. She is responsible for treatments, Diagnostics, referrals, procurement of medical records and Dietary orders. NP Wang was personally made aware of Mr. Jamison's conditions through several appointments. She has failed to properly treat, gather relevant medical records, or refer patient fitting his condition.

NP Wang is sued in her individually and official capacities. Mrs. Wang acts and continue to act under the color of the law and is responsible for treatment and all relevant laws.

Ericha Rauf, Director of Nursing at the Fairfax County Detention Center and is responsible for inmates care and wellbeing under her care or knowledge. Mrs. Rauf was made personally aware of the offenders conditions through the grievance process as she was the responding agent and through her responses showed gross negligence, lack of knowledge and hindering Mr Jamison's 1<sup>st</sup> amendment (Due process) and ability to get help and proper care.

Ericha Rauf is sued in her individual and official capacity. She is responsible for all laws and treatment of inmates under her. Mr. Rauf acts and will continue to act under the color of the law.

S. Carlisle, DDS is a Dentist at the Fairfax County adult detention center and is responsible for inmates under her care. She was made personally aware of Mr Jamison's severe dental needs through multiple appointments. She is responsible for all

Dental care, referrals, and laws applicable. She is responsible for lack and refusal of care to Mr. Jamison's serious Dental Needs.

Mrs. Carlisle is sued in her individual and official capacities. She is responsible for all laws and treatments of inmates under her care. She acts and will continue to act under the color of the Law.

S. Ray, DDS is a dentist at the Fairfax County Adult Detention Center and is responsible for inmates under her care. She is responsible for all laws and wellbeing including Mr. Jamison and his serious Dental Need. She was personally aware of his condition and refused to treat his condition.

Mrs. Ray is sued in her individual and official capacities. She is responsible for all laws and treatments of inmates under her care. She acts and will continue to act under the color of the Law.

Aramark Director and Aramark managers are responsible for all laws as they pertain to dietary needs and planning for the population of the FCADC, especially all medical trays. Aramark personnel were made aware through

Medical, request forms, and the grievance process.

They are responsible for improperly feeding Mr. Jamison and refusing to properly adhere to his dietary needs as prescribed by medical.

Aramark Director and supervisors are sued in their individual and ~~person~~ official capacities. (As actual names are learned they will be formally added.) Aramark is responsible for all laws and adherence to medical prescriptions of Diets. Aramark and staff acts and will continue to act under the color of the Law.

1st Lieutenant Aughaven is an officer at the Fairfax County Sheriff's office and is in charge of the grievance process and is responsible for the safety and well being of all inmates under the Sheriff's office control. Mr. Aughaven is responsible for all laws pertaining to the grievance process as well as all laws pertaining to the well being and health/safety of inmates. He is personally aware of Mr. Jamison's issues and conditions through numerous requests, meetings and grievances w/ appeals and

refusal of help constituting dereliction of duty and conduct unbecoming.

Lt Aughaver is being sued in his individual and ~~personal~~ <sup>official</sup> capacities. He is responsible for all laws pertaining to conduct, safety and wellbeing of Inmates. Aughaver ~~will~~ acts and will act under the color of the law.

Lt Parsons, #382 is an officer of the Fairfax County Sheriff's office and Adult detention center and is responsible for all laws and the safety and treatment of all inmates housed at the FCDJDC. Parsons was personally aware of Mr Jamison's circumstances and allowed Deputies to retaliate against him with no help constituting conduct unbecoming and dereliction of duty.

Lt Parsons is being sued in personal and official capacities. Lt Parsons is responsible for all laws pertaining to conduct, safety and the wellbeing of inmates under their control. Parsons acts and will continue to act under the color of the law.

And Lt Mesier #252, is an officer of the Fairfax County Sheriff's office and the Adult Detention Center and is responsible for

The Safety, wellbeing and treatment of all inmates under the Sheriff's Control. He is personally aware of Mr Jamison's Condition through numerous Requests, Complaints and meetings. Mr Mesier has repeatedly failed and refused to help or properly investigate issues set forth by Mr. Jamison as well as purged himself on many occasions in responses on official paperwork and responses.

Lt Mesier is sued in his personal and official capacities. He is responsible for all Laws, Conduct, Safety and the wellbeing of inmates under their control. Mesier acts and will continue to act under the color of the Law.

Lt Perkins is an officer of the Fairfax County Sheriff's office and the ADC and is responsible for the safety, wellbeing and treatment of all inmates under the control of the Sheriff's office. Perkins was made personally aware of Mr Jamison's issues when he came to Mr Jamison about meeting with the Washington Post which he did not allow as he learned what Jamison was going to say and in doing so Deprived Mr Jamison of his first amendment rights.

Lt Perkins is sued in his ~~pe~~ individual and official capacities. Lt Perkins is responsible for all laws applicable to inmates amendments safety and treatments. Perkins acts and will continue to act under the color of the Law.

Lt Evens is an officer of the Fairfax County Sheriffs office and the ADC. Evens is responsible for all laws pertaining to treatment and the wellbeing and safety of the inmates under the control of the Sheriffs office. Lt Evens was personally aware of Mr Jamisons living conditions through requests and meetings.

Lt Evens is sued in his individual and ~~person~~ official capacities. Lt Evens is responsible for all laws of the treatment and safety of the inmates of the Sheriffs office. Evens acts and will continue to act under the color of the Law.

Lt Rejeili is an officer of the Fairfax County Sheriffs office and the ADC. Lt Rejeili is responsible for the safety, wellbeing and treatment of all inmates of the control of the the Sheriffs office. Rejeili was personally

aware of Mr. Jamison's conditions and refused to appropriately follow up and to make sure the treatment was in fact proper as they reported to him but was still deficient and would rather perjure himself on official paperwork.

Lt Rejeili is sued in his individually and in his official capacities. He is responsible for all applicable laws, treatments, safety and wellbeing of all inmates under their control. Rejeili acts ~~acts~~ and will continue to act under the color of the law.

Deputy Abel, #054 is a deputy of the Fairfax County Sheriff's office and the ADC and is responsible for the safety, wellbeing, and treatment of inmates under the Sheriff's control. Abel was personally aware of Mr. Jamison's safety condition when she told another inmate that Mr. Jamison was the one who told on him and put him in arms way of a violent encounter.

Deputy Abel is sued under her individual and official capacities. She is responsible for all laws, ~~and~~ conduct and safety of all inmates under the Sheriff's control. Abel acts <sup>and continues to act</sup> under the color of the law.



Deputy PJ Thompson, # 789 is a Deputy of the Fairfax County Sheriff's ~~Department~~ Department and the ADC and is responsible for the treatment wellbeing and safety of all inmates of the ADC. Mr Thompson showed retaliation against Mr Jamison by removing him from the new side and sending him to the old side when he left the person who threatened him in the dorm.

Deputy Thompson is sued individually and in his official capacity. Thompson is responsible for all laws, safety and conduct. He acts and will continue to act under the color of the law.

Sgt. Putman # 860 is a deputy in the Fairfax County Sheriff's Department and the ADC. Putman is responsible for laws, safety and the wellbeing of inmates under the control of the Sheriff's office. Sgt Putman showed deliberate indifference to the safety of Mr. Jamison by not only telling other inmates he told on them but by not putting a keep separate between the two individuals.

Sgt. Putman is sued individually and in official capacity. Sgt Putman is responsible for all applicable laws and the safety and wellbeing of inmates under the control

of the Sheriff's office. Putnam acts and will act under the color of the law.

Deputy Plazick is a Deputy of the Fairfax County Sheriff's office and the ADC. He is responsible for the safety, laws, treatment and the wellbeing of all inmates under the Sheriff's control. Plazick is personally aware of Mr Jamison's condition as he repeatedly refused to exchange his meal tray for proper food knowing it was wrong and making threatening and vulgar statements to Mr. Jamison. He also risked his safety by telling 2 individuals that Mr. Jamison told on them about having chewing tobacco and to keep separate.

Deputy Plazick is sued individually and in his official capacities. Plazick is responsible for all laws, safety, wellbeing and treatment of inmates. Deputy Plazick acts and will continue to act under the color of the law.

Deputy Strauser is a Deputy of the Fairfax County Sheriff's office and the ADC. Strauser is responsible for the wellbeing, safety, treatment of all inmates under the control of the Sheriff. He continued to refuse to exchange Mr Jamison's meal tray even

though he knew the food was incorrect. He also made several threatening statements to Mr. Jamison.

Deputy Strauser is sued in his individual and official capacities. Strauser is responsible for the wellbeing, safety, and laws. Deputy Strauser acts and will continue to act under the color of the law.

Deputy Jones is a Deputy of the Fairfax County Sheriff's office and is responsible for the safety, wellbeing and treatment of inmates under the control of the Sheriff's office. Jones placed Mr. Jamison in arms ways by giving Paperwork to inmate Churney that he told on him for medication sales. The Paperwork contained Mr. Jamison's name placing him in jeopardy which did lead to incident.

Deputy Jones is sued in his individual and official capacity. Jones is responsible for all laws, the safety and wellbeing of all inmates under the control of the Sheriff. Jones acts and will continue to act under the color of the law.

Plaintiff's Complaints

## "Complaint"

Upon Entering the Fairfax County Adult Detention Center on 8/4/16 My initial Screening was Done. During this time I filled out several forms to have Fairfax obtain my medical records. This was done in accordance with my many serious medical issues such as my Celiac disease which requires a Gluten Free diet. My Celiac disease was never noted in my original screening even though it was discussed in detail along with my other food allergies. Poultry and Strawberries. My medical records were never obtained from Berkley Family Medicine and other offices that would show, celiac, Pre diabetes and medications along with my Leg and back injuries. Also at this time my Medications were never ordered such as my Metformin (500mg) which was taken daily. Also my Dietary issues for medical reasons which was ignored. I was never given a No poultry, Gluten Free diet for medical reasons. The Nurse was too busy with her Phone than to accurately take my medical information.

During my Extended stay I was made to sleep on the floor with a mattress for about eight months. I was given a Doctor release

to not sleep on the floor but this was only honored for a short time. Again this should have been address during my initial screening but was not and I was left many pain full nights and morning getting off the floor because of my L4 L5 fusion and plates in my tibia and fibia as a result of a compound fracture in my right leg along with my Umbilica hernia.

Along with numerous sick call requests I never received proper care from medical. I saw Nurse practitioner Wroble several times which was meet with ~~my~~ ridicule and threats of being tossed in the hole for insubordination. Although many times I meet with her about my diet she would never give me or order me a proper Diet of no Poultry or a Gluten Free Diet, <sup>or a Diabetic Diet.</sup> A I was told I was just faking and no matter what I said or did she would not help me. She only gave me a No Dairy, Bland diet. In meeting with her in May of 2017, for still getting sick on the food she finally wrote in my chart I had Celiac disease but did nothing to get my medical records or to help me treat this serious medical issue. I asked to see a Gastrointestinal specialist and she told me that Fair fax would never pay for

me to see a specialist and I would have to just deal with my problem. She also told me I would have to pay \$100.00 to see the Eye Doctor and until the money was in my account I would not be seen. Even when I saw Doctor Kassa, Connors or the other 2 male Doctors nobody would help me with my serious medical needs.

I wrote many request for Grievance forms or to speak with some one to no avail. I was constantly turned away. On 8/1/17 when transferred to Segregation pending charges my things were ~~searched~~ searched and most of my paper work to this point was taken and deemed contraband even though I argued that the paper work was proof of serious neglect the Deputies took it. I even talked to Lt. Parsons who denied my request. I believe this was done to destroy the paperwork I had at that time such as my medical file from Berkley family medicine which showed my Celiac disease.

Along with the many other serious medical issues I have, I developed a serious scalp infection which is still ongoing to this day. Having Celiac's disease makes it very hard for my system to fight off infection. This infection

was the result of the un clean practices from a hair cut. The infection had got so bad that in April of 2017 as Listed in my medical file and became reoccurring. all that was ever done by the Doctors was just given antibiotics. I was actuly told by one Doctor to Shower every other day, I was showering to much. Every time the antibiotic ran its course my Infetion would return. The initial infection became so bad that my face was swollen so bad that it look like I was in a fight causing the Deputies to pull me out of formation to question me about what happened. This continued to be an issue and even when I contacted Lt Messier about this He did Nothing and denied this Happened from a Hair cut even though many had simular complaints. The Barber was very unsanitary and often times you had to sit in piles of Hair and she never cleaned the clippers. This infection is still occuring today and dispite all of the antibiotics the infection still returns.

Along with dietary and infection issues I also had to deal with my Excutiating

Back pain and Hernia. These two issues were never taken care of and all that was done is given tylenol and an extra blanket. The Medical staff told me numerous times that I would not see any one for this other than the Doctors at the ADC because of money. Xrays of my back were never taken even when I had a bruise the size of a softball. This happened when I was beat up by other inmates and thrown into a bench when I was in 4N2. Along with these issues I was constantly not given my medications such as Metformin, (which was never given) or my Gabapentin which was interrupted for months at a time as my Medical Records will show. I was just left to suffer in pain even though I went to medical several times requesting my medications. They would take my Sick Call Co-pay but would do nothing. <sup>Contrary to my serious medical needs</sup> The Doctors would also prescribe medications containing Gluten. On Nov 25 2017, Deputy Terez had me fill out a request form and had me see Nurse Antwifer for my many issues. Upon meeting with me he scheduled me to see Doctor Kassa the next morning. Upon the next visit



some of the issues were corrected but like the Diet, never given to me. She wrote an order for my allergies, but never followed up with the Kitchen and still excluded my gluten allergy from this order and never ask to get my medical Records from the street. again no follow up and improper care. The Medical Staff even went as far as to tell Deputy Rejelli all issues were taken care of even when they were not. Instead of asking or talking to me Rejelli just closed the issue at their word even though I constantly went to medical for the same issues ~~as seen~~ seen in my Medical File. No matter how many times I tried to get a grievance form for these issues I was denied the grievance form until 2-15-18 when Lt Aughaven finally gave me a form say "He only would give out forms to issues he felt just", instead of having access to them. During this process my grievance was not taken seriously and Mrs. Raul found my grievance to be unfounded and made several remarks in her finding that were contrary and way outside professional

standards resulting in me to continue on with pain in my stomach, Back pain, vomiting, <sup>and no Diet.</sup> Diarrhea and sever headaches. I did file an appeal but was never responded to. The Sheriff's office just shipped me to ~~State~~ State Prison. Along with the paper work sent to State, the medical staff never properly sent my food allergies and I believe this was done to get rid of me instead of helping me and to hide their deficiencies in treatment. I was told By DOC employees that if the ADC Staff Listed these allergies as my serious medical issue of Celiacs disease, I would have had a longer wait at the jail as I would have had to go to a medical receiving facility.

Another serious medical need that was never taken care of was my sever Periodontal disease. The Dentists pulled teeth instead of sending me some were to get this taken care of. They just said that they were not allowed based on the ADC's policy and budget. I believe had they treated me properly for this I would not have had to loose my teeth they pulled. Even in the ~~the~~ Grevenice response

my Severe Parodontal disease was noted and nothing<sup>was</sup> taken care of.

No matter who I talked to or tried to get help from the Fairfax County ADC Staff, Both medical and the Sheriff's Deputies would not get me proper help. I was left to suffer Headaches, improper diet, intense pain Bleeding rectally, vomiting, diarrhea, Bleeding gums and severe harassment along with a recurring infection. The Doctors would just continue to ignore me and not even obtain my medical Records to see I was telling the truth. They just said I was Lying. However I have attached my ADC Medical Records, Outside medical records and other Documentary Evidence to show my Serious medical Needs were not met and Administrative exhaustion is also shown. The Staff was Deliberately indifferent by outright refusing to treat me or to send me to the appropriate Doctors so I would get better.

The Staff at the Fairfax County Detention Center was also showing Deliberate indifference by knowingly putting me in ~~the~~ the way of Bodily injury and

Plazic, compromising my safety. This was done by many Deputies such as, Able and Jones, and by telling inmates I had "Snitched" on them for rule infractions. At the times no keep separates or anything was done to keep me safe. This lead to a lot of threats and even being beaten up by 2 inmates in 4N2 which I still have terrible back pain as a result from Deputy Able telling David Canavan I told on him and he told others that lead to our altercation in the dorm. Constantly I would end up being rehoused with offenders I told on trying to get moved. I was also sent to the "old side" after threats against me yet the other inmate, Cherney, was able to stay on the "new side". Deputy Plazick told inmate Shemitt that I was the one who told on him for the chewing tobacco along with refusing to get me proper trays even though he was ordered to, let alone knew were wrong. The Emotional Distress I felt every day was truly horrible and cruel. Deputies know that by informing others that someone told on them, that they

were putting him at ~~an~~ <sup>a</sup> serious risk of Physical Harm as well as mental / Emotional Harm. I am not surprised because along with these conditions I was also made to sleep on the floor with a mattress in a cell made for one person even though this is unconstitutional. I was also housed on the "B" floor where you were locked in your cell with no toilet or running water. This happened after I reported that my previous cell mate was stealing from me. I got punished. It is unconstitutional to lock a person in a cell with no toilet or running water, yet Fairfax does this anyhow. Even being put on the floor to sleep shows deliberate indifference as the Doctor wrote an order to not be placed on the floor. The Deputies just do what they want and threaten you with the "hole" if you speak out or complain. Even writing to Lt Messier did not help. He would just lie in his responses instead of walking to the freezer about 50 ft from his office to see the meat patty I was given every day was wronging me with so much more. It is deliberately

indifferent in refusing to help me even though I wrote to him and other Deputies contacted him on my behalf. As the Supporting Documents show I tried to do everything I could to get help. I received none and at every turn I was left to suffer sickness, extreme pain, Emotional Distress and mental anguish. If any one would have done their jobs properly, all of these issues could have been easily avoided. I have rights protected by the Constitution, both Federal and State, to protect me and the Sheriff's office and Medical staff choose to trample my rights and subject me to Cruel Conditions. They even kept me from speaking to the Washington Post. Lt Perkins came to me to ask if I would meet with them and even though I said yes, when I informed him what I wanted to talk about I was denied from speaking with them. Just more trampling of my rights and the retaliation of the Sheriff's office. All dates, incidents, Requests and other proof is attached to this brief in support and administrative exhaustion. The Grievance Response in its self proves that medical did not properly treat my serious conditions and ignored my proper treatment.

## Counts

### Count I

DEPRIVATION OF EIGHTH AMENDMENT Right  
TO MEDICAL CARE PURSUANT TO 42  
USC. § 1983 (federal claims against all defendants)

Plaintiff Fully incorporates any and  
all paragraphs this Court deems relevant, as  
fully stated herein to Support Plaintiffs'  
Count I.

Based on the incorporated paragraphs  
to support this Count I, Defendants acts and  
omissions in failing to provide adequate medical  
care - including any medical whatsoever - constitutes  
deliberate indifference to the serious medical  
needs of the Plaintiff with Celiac disease  
thereby establishing a violation of the Eight  
Amendment of the United States Constitution.  
Consequently, Plaintiff is entitled to Compensatory  
relief, individually against the Defendants  
in their individual capacities and Plaintiff  
seeks equitable relief as set forth in  
the "Conclusion" section.

### COUNT II

Deprivation of Right NOT to  
UNDERGO Cruel and Unusual  
Punishment Under The VIRGINIA  
Constitution (state claim against all Defendants)

Plaintiff fully incorporates <sup>any and all</sup> paragraphs  
This Court deems relevant, as fully stated herein  
to support Plaintiffs' Count II.

Based on all of the facts incorporated  
to support this Count II, Defendants' acts  
and omissions in failing to provide adequate  
medical care - including any medical care  
whatsoever - constitutes deliberate indifference to  
the serious medical needs of the Plaintiff  
with Celiac disease, thereby establishing  
a violation of Article I, section 9 of the  
Virginia Constitution and its prohibition against  
the infliction of cruel punishments. Consequently  
Plaintiff is entitled to compensatory relief  
individually against the Defendants in their  
individual capacities and seeks equitable  
relief as set forth in the "conclusion." ~~and motion~~

### Count III

REQUEST for Declaratory / injunctive  
Relief. (federal claim against all  
Defendants)



The Plaintiff fully incorporates any and all paragraphs this court deems relevant, as full stated herein to support Plaintiffs claim on Count III

Based on all the facts incorporated to support this count III, equitable relief is proper because Plaintiff will suffer irreparable harm if He is forced to continue to endure the effects of celine disease without proper treatment and diet and because preventing people from sustaining a substantial risk of Death and infections that are avoidable with proper care serves the Public's interest. The Equitable relief is in the Plaintiffs conclusion.

#### Count IV

The plaintiff fully incorporates any and all paragraphs this court deems relevant, as fully stated herein to support Plaintiffs claim on Count IV

Based on all the facts incorporated to support this count IV, Equitable ~~relief~~ and compensatory relief is proper because of the Deputies deliberate indifference in the safety and treatment of the Plaintiff which lead to Emotional mental and Physical harm <sup>and cruel conditions</sup> of their actions and statements. These actions are avoidable and serves the Public's interest. The Equitable and Compensatory relief is

in the Plaintiff's Conclusion.

## Conclusion

WHEREFORE, Mr. Jamison respectfully requests the following relief:

- 1.) The Plaintiff ask this Honorable Court to compell the Fairfax County Sheriffs office and the Fairfax County Adult Detention Center to impliment Proper medical and Staffing, Proper Medical treatments and policies, Proper Housing within the Adult Detention Center, Training for all Staff of Conduct and Laws of incarceration.
- 2.) Termination of all staff directly involved and found involved by this Honorable Court.
- 3.) The Plaintiff respectfully asks this Honorable Court to award Damages of \$100,000.00 (One hundred thousand dollars) from each of the Defendants in their individual Capacities for denying the Plaintiff Proper Medical Care and treatment for His known condition, and the Safety and

treatment at the hands of the deputies causing Emotional, mental and Physical harm and violating the Plaintiffs 1<sup>st</sup>, and 8<sup>th</sup> Amendments right to be free from cruel and unusual Punishment.

4.) The Plaintiff respectfully asks this Honorable Court to award an additional \$100,000.00 (one hundred thousand dollars) in each of the ~~def~~ defendants official capacity for causing Pain ~~and~~ suffering, Emotional and mental suffering that is still on going due to the negligence and Discrimination of the defendants and causing the Plaintiff to suffer cruel and unusual Punishment that could have been easily avoided

5.) The Plaintiff also asks for any other relief this honorable court would deem just and Proper for all the Plaintiff has had to Endure and is still burdened with as I am still not receiving proper medical and continue to get sick.

6.) The Plaintiff respectfully asks that criminal Charges be Per sued through the appointment of the U.S. Attorneys office for the deprivation of rights

under federal Law and Possible state charges  
(see attached article)

7.) Plaintiff asks this Honorable court to  
arrange transportation and housing as  
needed for all hearings and trial.

Respectfully Submitted

Daniel W. Jamison

Signed [Signature]

Date 19 Dec 18

offender # 1190078

### AFFIDAVIT

I Daniel W. Jamison, DOB 5/8/1978  
VDOC offender # 1190078, Residing at Dillwyn  
Correctional center, Do here by affirm under penalty  
of perjury that all statements in this motion  
are true and correct to the best of my  
knowledge and belief.

Court of Buckingham  
State of Virginia  
Dated 12/19/2018

Daniel W. Jamison  
Signed [Signature]  
Date 19 Dec 18.  
offender # 1190078



E. BOYLES  
NOTARY PUBLIC  
Commonwealth of Virginia  
Registration #7728847  
My Commission Expires Jan. 31, 2021